

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DUSTIN MORROW,)	
)	
Plaintiff,)	Civil Action No. 2:23-cv-1445
)	
v.)	Judge Robert J. Colville
)	Magistrate Judge Patricia L. Dodge
LT. CINDY HOLMES,)	
LT. HOLOBAUGH, JOHN DOE,)	
Corrections Officer, and JOHN)	
DOE, Corrections Officer)	
)	
Defendants.)	

ORDER OF COURT

Before the Court is the January 24, 2024 Report and Recommendation (ECF No. 22) of the Honorable Patricia L. Dodge recommending that Plaintiff's Complaint (ECF No. 6) be dismissed, with prejudice, for failure to prosecute. Also before the Court is the Partial Motion to Dismiss (ECF No. 17) filed by Defendants, Lt. Cindy Holmes and Lt. Holobaugh. Objections to Judge Dodge's Report and Recommendation were due by February 7, 2024. No objections were filed, and the matter is now ripe for disposition.

The district court must make a *de novo* determination of those portions of the Report and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir. 1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also recommit the matter to the magistrate judge with instructions.

Upon review of the January 24, 2024 Report and Recommendation as well as a review of the entire record in this matter, the Court will adopt the Report and Recommendation that the Complaint be dismissed, with prejudice, for Plaintiff's failure to prosecute. Upon review of Judge

Dodge's thorough analysis of the six factors identified in *Poulis v. State Farm Fire and Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), the Court agrees with the reasoning that led Judge Dodge to conclude that four of the six factors weigh in favor of dismissal of this case. As such, the following order is entered:

IT IS HEREBY ORDERED that the Complaint be DISMISSED, with prejudice, for failure to prosecute;

IT IS FURTHER ORDERED that the Report and Recommendation of Judge Dodge dated January 24, 2024, is ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that Defendants, Lt. Cindy Homes and Lt. Holobaugh's, Partial Motion to Dismiss is dismissed as MOOT;

AND IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED;

BY THE COURT:

/s/ Robert J. Colville
Robert J. Colville
United States District Judge

Dated: July 9, 2024

cc: The Honorable Patricia L. Dodge
United States Magistrate Judge

Dustin Morrow
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Grove City, PA 16127

All counsel of record via CM/ECF